

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. Robert Lee Alexander and Milton Birmingham ✓ TRUE NAME: Roy Milton Birmingham	For U. S.: <i>Ben F. Baker</i> For Defendant: <i>(appt)</i> Birmingham - T. B. Hendrix Alexander - Kenneth Stainer T.B.Hendrix(appt) Birmingham 1544 N. Cinn, Tulsa

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed <i>9-30-71 Birmingham</i>	<i>2-28-70</i> Clerk					
J.S. 3 mailed <i>6-30-70 Birmingham</i>	<i>7-31-70 Alex</i> Marshal					
Violation <i>9-30-71 Birmingham</i>	Narcotics	Docket fee				
Title	T.21, USC, 174					
Sec.	T.26, USC, 4704(a)					

DATE	PROCEEDINGS
2-24-70	Indictment filed in open court. h
2-24-70	Record vote of the grand jury filed in open court. h
2-24-70	Warrants for the arrest of the defendants issued. h
3-4-70	Warrant for arrest of Milton Birmingham, executed, returned & filed. g
3-6-70	Petition for Writ of Habeas Corpus Ad Prosequendum, filed. js
3-6-70	Order Granting Writ of Habeas Corpus Ad Prosequendum(AEB-J) filed. js
3-6-70	Writ for Alexander Issued. js
3-11-70	Ordered that indictment be unsealed. (Heretofore ordered sealed on 2-24-70). (AEB-J)m
3-19-70	Acknowledgment by defendant Robert Lee Alexander of receipt of information from court appointed attorney for defendant, filed. ds
3-20-70	Return on writ of habeas corpus ad prosequendum filed. Executed by delivering Robert Lee Alexander to the Oklahoma County Jail on 3-13-70 and on 3-14-70 delivering him to the Tulsa County Jail. ds
3-25-70	Defendant Milton Birmingham present in person and represented. Defendant pleas a TRUE NAME OF : Roy Milton Birmingham. Defendant arraigned and enters plea of NOT GUILTY, and case to be set on next jury docket. Defendant granted 10 days to file motions.(AEB-J)h

(Continued on next page)

DATE	PROCEEDINGS
3-26-70	Defendant Robert Lee Alexander present in person and represented. Indictment read, defendant arraigned and enters pleas of GUILTY, as to Cts. 1&2 of the Indictment, and is adjudged GUILTY as charged in Cts. 1&2 and sentence is deferred. (AEB-J)h
3-31-70	Warrant for arrest of defendant, Robert Lee Alexander, returned and filed - executed by arresting Robert Lee Alexander at Tulsa, Oklahoma on March 17, 1970 and taking him before Commr. Bradford and was committed to Tulsa County Jail. b
4-8-70	Motion of defendant, Roy Milton Birmingham, for reduction of bail bond, filed. b
4-14-70	Response to motion for reduction of bond, filed. m
4-15-70	Defendant Roy Milton Birmingham present in person and represented. Hearing held as to the motions of Roy Milton Birmingham. Court orders that motion for Reduction of Bail Bond is overruled, but court allows bond in this case to be consolidated with bond of defendant in Case 70-CR-40 in the amt of \$50,000. (AEB-J)h
5-5-70	Case set for jury trial on Monday, May 25-70 at 9:30 a.m. (AEB-J) (Birmingham)
5-7-70	Case stricken from jury assignment of 5-25-70 as to Roy Milton Birmingham. (AEB-J)m
5-11-70	Case set for Jury Trial on Monday, May 25, 1970 at 9:30 A.M. (AEB-J)h
5-25-70	Case called for Jury Trial. Defendant Milton Birmingham present and represented. Parties announce ready, and case passed to Tues. 5-26-70 for jury trial at 2:00 P.M. (AEB-J)h as to defendant Milton Birmingham.
5-27-70	Case tried to jury 5-27&28-70. Jury returns with a verdict finding the defendant GUILTY as charged in Ct. 1 of the Indictment, and is adjudged GUILTY as charged. Verdict received, read and filed in open court. Jury discharged. Sentence passed to Friday, June 5, 1970 at 10:00 A.M. Defendant advised of his right to appeal, and defendant states intent to appeal. (AEB-J)h
6-3-70	U. S. Subpoena returned, filed - served Robert Lee Alexander at Tulsa County Jail, Tulsa on 5-22-70. b
6-3-70	U. S. Subpoena duces tecum returned, filed (in 70-CR-26), served Bryan L. Tipton, in person at Oklahoma City, Okla. 5-7-70. b
6-5-70	Deft. Roy Milton Birmingham present and represented.
	Judgment and Sentence - Roy Milton Birmingham (Age 37)
	Atty. Gen. - Ten (10) Years, to run concurrently with the sentence imposed in Case No. 70-CR-40.
	The Court recommends commitment to an institution where the deft. can receive treatment for drug addiction. (AEB-J)m
6-5-70	Judgment and Commitment, filed and entered. (AEB-J)m
6-5-70	Two c/c of J&C delivered to U.S. Marshal. m
6-9-70	Notice of appeal of Roy Milton Birmingham, filed. copy mailed to Nathan G. Graham, U. S. Attorney and to CCofA. b
6-11-70	Motion of defendant Roy M. Birmingham for leave to proceed in forma pauperis, filed. g
6-11-70	Affidavit in support of motion for leave to appeal in forma pauperis, filed. g
6-11-70	Application of defendant Birmingham for appeal bond, filed. g
6-15-70	Appeal bond for Roy Milton Birmingham fixed in the amount of \$50,000, (consolidated with 70-CR-40). (AEB-J)g
6-15-70	Order granting Roy Milton Birmingham leave to proceed with appeal in forma pauperis, filed. (AEB-J)g
6-15-70	Order for transcript of trial proceedings as to Birmingham at government expense, filed. g (cc to Larry Marks)

(Continued on Page No. 3 Sheet No. 2)

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CRIMINAL DOCKET

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DATE	PROCEEDINGS
6-29-70	CC of J & C returned, filed - Roy Milton Birmingham delivered to Tulsa County Jail on 6-5-70, and to U.S. Penitentiary, Leavenworth, Ks. on 6-20-70.
7-2-70	Deft. Robert Lee Alexander present and represented. Govt. moves for dismissal and dismissal of indictment signed and filed in open court. (AEB-J)m
7-2-70	Dismissal of indictment as to Robert Lee Alexander, filed in open court and entered. (AEB-J)m
7-18-70	Order extending time to 9-7-70 to file appeal of Roy Milton Birmingham, filed. (AEB-J)g cpy to USCA & US Atty.
7-27-70	Application for bail made pursuant to bail reform act of 1966, 18 USC Sec. 3146 & Rule 46 Fed. Rules of Crim. Procedure, filed. v
8-11-70	Order overruling application of Roy Milton Birmingham to have bail set and to be released on bail pending appeal, filed. (AEB-J)g copies mailed.
9-4-70	Transcript of arraignment proceedings, 3-25-70, as to Roy Milton Birmingham, filed. g (LEM-Rptr.)
9-4-70	Transcript of proceedings on motion for reduction of bail bond, filed. (LEM-Rptr)g
9-4-70	Transcript of trial proceedings, 5-27-70, filed. (LEM-Rptr.)
9-4-70	Transcript of sentencing of Birmingham, 6-5-70, filed. (LEM-Rptr.)g
9-4-70	Appeal record (5 vols.) sent to USCA. g
9-27-71	Mandate and Opinion of USCA reversing judgment of 6-5-70 and remanding case for retrial consistent with decision of appeal court, filed and spread of record. g
11-12-71	Case set for Jury trial on as to def. Roy Birmingham on Monday, 11-29-71 at 10:00am. (AEB-J)h
11-29-71	Case called for Jury trial as to defendant Brmingham. Defendant not present and represented by T.B. Hendrix, ct. appt. counsel. Govt. rep by Ben Baker. Govt files motion for dismissal and it is granted, Motion and Order of Dismissal signed and filed in open court. (AEB-J)h
1-17-79	Order, fld. It is ordered taht the U.S. Ct. Clk. return to the respective parties all remaining exhibits in his possession. (AEB-J)ho w/receipt from Ken Snoke.

DATE	PROCEEDINGS

UNITED STATES COMMISSIONER
Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE Morris L. Bradford, U.S. Court House, Tulsa, Okla
(Name of Commissioner) (Address)

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamen's wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Commissioner's

Docket No. 1, Case No. 27

United States of America

vs.

Roy Milton Birmingham

70 CR 51 & 70 CR 40

USC Title 21 Sec. 174;

USC Title 26 Sec. 4704 (a)

USC Title 22 Sec 174:

USC Title 26 Sec. 4705 (a)
and 7327 (b)

FILED

MAR 5 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

Indictment

DATE _____

2-26-70

Defendant, Roy Milton Birmingham, appeared before me the under-
signed this date for the sole purpose of posting bond. Defendant
advised that his bond in Case No. 70Cr51 was fixed in the amount
of 50,000.00 cas or surety and bond in Case No. 70 CR 40 was fixed
in the amount of \$50,000.00 cash or surety. Defendant was advised
of his right to Counsel and requested Court appointed counsel.
Defendant committed to the U.S. Marshall11 in lieu of bond.

Morris L. Bradford
U.S. Commissioner
Northern District of Oklahoma

[illegible]

DATED March 2, 1970

Manuel B. ...
United States Commissioner